

SENATE FILE NO. SF0072

Hospitalization of mentally ill-amendments.

Sponsored by: Senator(s) Cooper and Representative(s)
Davison

A BILL

for

1 AN ACT relating to the mentally ill; amending immunity
2 provisions for specified personnel who deal with persons in
3 emergency detention; amending a definition; requiring that
4 specified rules of the Wyoming state hospital be adopted in
5 accordance with the Wyoming Administrative Procedure Act;
6 authorizing specified licensed practitioners to review
7 findings of an examiner, when indicated; and providing for
8 an effective date.

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10 *Be It Enacted by the Legislature of the State of Wyoming:*

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12 **Section 1.** W.S. 25-10-101(a)(ii)(C), 25-10-102,
13 25-10-109(a) and 25-10-110(e) are amended to read:

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15 **25-10-101. Definitions.**

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1 (a) As used in this act:

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3 (ii) "Dangerous to himself or others" means
4 that, as a result of mental illness, a person:

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6 (C) Evidences behavior manifested by recent
7 acts or omissions that, due to mental illness, he is unable
8 to satisfy basic needs for nourishment, essential medical
9 care, shelter or safety so that a substantial probability
10 exists that death, serious physical injury, serious
11 physical debilitation, serious mental debilitation,
12 destabilization from lack of or refusal to take prescribed
13 psychotropic medications for a diagnosed condition or
14 serious physical disease will imminently ensue, unless the
15 individual receives prompt and adequate treatment for this
16 mental illness. No person, however, shall be deemed to be
17 unable to satisfy his need for nourishment, essential
18 medical care, shelter or safety if he is able to satisfy
19 those needs with the supervision and assistance of others
20 who are willing and available, except a person who is
21 incarcerated or imprisoned as a result of being charged or
22 convicted of a criminal offense may be deemed to be unable
23 to satisfy his need for nourishment, essential medical
24 care, shelter or safety for purposes of this subparagraph.

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2 **25-10-102. Admittees subject to rules and regulations**
3 **of state hospital.**

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5 All persons admitted to the state hospital shall be subject
6 to the rules and regulations of the state hospital, adopted
7 in accordance with the requirements of the Wyoming
8 Administrative Procedure Act.

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10 **25-10-109. Emergency detention.**

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12 (a) When a law enforcement officer or examiner has
13 reasonable cause to believe a person is mentally ill
14 pursuant to W.S. 25-10-101, the person may be detained in
15 good faith. The law enforcement officer or examiner shall
16 be immune from civil liability for the detention except
17 there shall be no immunity from liability for negligent
18 acts or deliberate misconduct.

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20 **25-10-110. Involuntary hospitalization proceedings.**

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22 (e) The court shall appoint one (1) or more examiners
23 to examine the proposed patient and to make a written
24 report to the court of the findings as to the history and

1 mental illness of the proposed patient. The court may order
2 the proposed patient to appear for examination and if the
3 proposed patient does not appear the court may compel his
4 appearance. The examination shall be held at a hospital, a
5 medical facility, the home of the proposed patient or any
6 other suitable place which will not have a harmful effect
7 on his health. The examination shall be conducted no later
8 than seven (7) days from the date of the notice. If the
9 examination is conducted by an examiner other than a
10 licensed physician or psychiatrist, the court shall appoint
11 a licensed physician, ~~or psychiatrist,~~ physician assistant
12 or nurse practitioner to review the findings of the
13 examiner and conduct a further examination, if indicated,
14 and to report to the court.

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16 **Section 2.** This act is effective July 1, 2008.

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18 (END)